

### Remarks

The specification stands objected to pursuant to 37 CFR § 1.75(d) regarding disclosure explicitly stating the structure of claim elements in means plus function format. Claim 1 has been amended to eliminate the claim elements "coupling means" and "means for directing bypass". The mechanical description of the presently claimed "apparatus for directing bypass blood flow" is provided in Claim 1.

The "flow restricting means" now recited in amended Claims 1, 9, and 12 is described in detail at page 7 line 26-page 8 line 25 of the application as originally filed, and is referred to in the specification as "flow restricting means 22". This reference number is found in Figures 2, 5, and 6 of the application as originally filed, with element 22 explicitly representing the flow restricting means recited in the pending claims. Applicants respectfully submit, therefore, that the remaining claim elements identified by the Examiner as requiring explicit structural explanation are indeed explicitly described in the pending specification. Withdrawal of the objections to the specification is therefore warranted.

Claims 1-3, 5-7, and 9-23 have been amended. Claims 4 and 8 have been cancelled. Claims 1-3, 5-7, and 9-23

remain in the application. Reconsideration and allowance of these claims as now presented is respectfully requested.

### **Claim Objections**

Claims 1, 8, and 9 stand objected to for the informalities described above with reference to the specification. In view of the foregoing comments, the claim objections should be withdrawn.

### **Rejection of Claims Under 35 U.S.C. §112**

Claim 4 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claim 4 has been cancelled to render the pending set of claims in more definite form. The claim rejections under 35 U.S.C. §112 should therefore be withdrawn.

### **Rejection of Claims Under 35 U.S.C. §102**

Claims 1, 4, 57-10, 16-20 & 23 stand rejected under 35 U.S.C. §102(b) as being anticipated by Villafana (U.S. 6,241,761). Amended Claim 1 of the present application is drawn to an apparatus having a multiple channel blood flow connector and a flow restricting means, wherein the flow restricting means is separated from the multiple channel blood flow connector by a second graft segment which transports blood flow from the connector device to the flow restricting means. This relationship is illustrated in Figure 2 of the application as originally filed, wherein

blood flow connector 13 is disposed upstream from flow restricting means 22, and separated by second graph segment 18. Villafana '761 does not describe the presently claimed multiple-component apparatus.

As described at page 7 line 26 - page 8 line 10, the flow restricting means cited and amended claim 1 is provided to maintain relatively high fluid pressure in the apparatus upstream therefrom, such that adequate and continuous blood flow is provided at the one or more delivery locations upstream from the flow restricting means. Since the presently claimed apparatus is not described in the cited prior art, the claim rejections based thereon should be withdrawn.

**Rejection of Claims Under 35 U.S.C. §103**

Claims 11-15 stand rejected under 35 U.S.C. §103(a) as being unpatentable Villafana '761 in view of Davila et al. (U.S. 2003/0065377). The Davila et al. '377 application, however, fails to cure the defects of Villafana '761, as described above. As such, the claim rejections based upon the combination of Villafana '761 and Davila et al. '377 should be withdrawn.

**Rejection of Claims Under the Judicially Created Doctrine  
of Obviousness-Type Double Patenting**

Claims 1-17, 19, 20, & 23 stand rejected under the judicially created doctrine of obviousness-type double patenting over Claims 1-18 of U.S. Application Serial No. 10/698,253, as well as over Claims 1-17 of U.S. Application Serial No. 10/909,700, both of which are assigned to the same Assignee as in the present application. Terminal Disclaimers have been filed herewith in order to overcome the double patenting rejections based upon the above-cited pending patent applications. Removal of the claim rejections under the judicially created doctrine of obviousness-type double patenting is therefore warranted.

For the foregoing reasons, the claims as now presented are believed to be patentable over the cited prior art, whether taken alone or in combination. Applicants

therefore submit that the claims as now pending are allowable on the merits. An early allowance is respectfully solicited.

Respectfully submitted,

HAUGEN LAW FIRM PLLP

A handwritten signature in black ink, appearing to read 'Mark J. Burns', with a long horizontal flourish extending to the right.

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